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Mandatory Vaccination Policy

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Policy Statement

The Provincial Government of Newfoundland and Labrador remains committed to maintaining safe workplaces for all employees. In an effort to ensure continued safety in Provincial Government workplaces, as well as to ensure additional health protection for all Newfoundlanders and Labradorians, all Government of Newfoundland and Labrador employees are required to be fully vaccinated against COVID-19 or have an approved exemption.

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Application

This Policy applies to all employees of Provincial Government departments. Government Crown Agencies, Boards and Commissions are expected to ensure consistent application of this policy.

CURRENT EMPLOYEES:

Current Provincial Government employees will have until December 17, 2021 to provide proof of full COVID-19 vaccination or to obtain an approved exemption to this policy.

After December 17, 2021, employees who have not provided proof of full vaccination, and who have not been granted an exemption, are deemed non-compliant. Please refer to Policy Adherence section below.

NEW EMPLOYEES:

Employees hired on or after December 17, 2021 will be advised of this policy when an offer of employment is made and must be fully vaccinated at the time of their employment start date and must provide proof of full vaccination to the employer as a condition of their employment. In the event they fail to comply with that requirement, and/or requested but are not approved for a policy exemption, the job offer will be revoked.

Definitions

ACCOMMODATION:

A temporary or permanent adjustment to working conditions, work assignments, policies, rules, practices, programs, or the physical work environment to address an employee's current or potential employment needs arising from a disability or medical issue which is supported by medical documentation. An accommodation may include providing services, adaptations, adjustments, exemptions, modifying duties, or job transfers that enable individuals who meet job qualifications to participate in employment and employment-related activities.

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COVID-19 SELF-ASSESSMENT:

A questionnaire intended for employees to assist with monitoring their own health, and potential risks for COVID-19 in line with current Public Health guidance.

COVID-19 TEST:

A molecular COVID-19 test acceptable to the Chief Medical Officer of Health, but does not include an antigen test.

COVID-19 VACCINE:

Vaccines approved by Health Canada, as may be amended from time to time.

EMPLOYEE:

An individual employed by a Provincial Government department with permanent, temporary, seasonal, casual, full-time, part-time, or contractual employment status.

EMPLOYER:

The Government of Newfoundland and Labrador, as represented by Treasury Board, is the employer. Treasury Board is the committee of the Executive Council responsible for all matters relating to human resource management in the public service.

FULLY VACCINATED:

A person is considered to be fully vaccinated when at least two weeks have passed since an individual's second dose of COVID-19 vaccine or first dose where an individual has received a one-dose COVID-19 vaccine.

MEDICAL DOCUMENTATION:

Documentation outlining medical reason(s) for not being fully vaccinated against COVID-19 provided by an appropriate health care

provider, in line with guidance from the College of Physicians and Surgeons of Newfoundland and Labrador.

REASONABLE ACCOMMODATION:

The requirement upon the employer to accommodate, up to the point of undue hardship, an employee's disability-related employment needs.

UNDUE HARDSHIP:

The limits of reasonable accommodation beyond which the employer does not have a duty to accommodate. The word "undue" implies that the employer may be expected to bear some hardship in fulfilling the duty to accommodate. Undue hardship is assessed on a case by case basis, considering various factors relating to the situation, including but not limited to health and safety risk; impact on a collective agreement or other contract; legitimate operational requirements and disruption to the public; impact on rights of others; interchangeability of the workforce and job duties; workplace size; and the type of work.

UNVACCINATED INDIVIDUAL:

An individual who has not received any dose of COVID-19 vaccine and includes individuals who have received only one dose of COVID-19 vaccine, where the vaccine consists of two doses.

Exemptions

The employer may accommodate an employee's request for a vaccination exemption if they cannot be vaccinated for medically supported reasons.

Testing

Any testing required by the employer will be as follows:

- **Undergo a polymerase chain reaction (PCR) test two (2) times per week.**

Employees will provide the result of their PCR tests to their departmental contact. Testing must be completed outside of regular working hours and at the employee's expense.

Responsibilities

DEPARTMENTS

It is the responsibility of individual departments to:

- Ensure employee compliance with this policy, including collecting proof of vaccination.
- Ensure the fulfillment of the employer's obligation to accommodate, up to the point of undue hardship, an employee's accommodation needs.
- Deputy Ministers will determine, in consultation with the Department of Justice and Public Safety and Treasury Board Secretariat, whether an accommodation would result in undue hardship.

EMPLOYEES

It is the responsibility of employees to:

- Provide proof of vaccination by December 17, 2021, or prior to employment start date for new employees.
- Follow public health guidance.
- Follow COVID-19 testing requirements, where applicable.

EMPLOYEES SEEKING EXEMPTIONS

It is the responsibility of an employee seeking an exemption to:

- Submit an exemption request to their immediate supervisor/manager, and/or the appropriate employer contact.
- Cooperate and participate in the exemption consideration process, which may include providing information and/or medical documentation.
- Comply with ongoing COVID-19 testing requirements, where applicable.

- When moving to a new position, inform the new immediate supervisor/manager of any existing approved vaccination exemption and/or testing requirements.

TREASURY BOARD SECRETARIAT (TBS)

It is the responsibility of the TBS to:

- Advise departments on the interpretation and application of this Policy.
- Assist departments in determining whether an accommodation would result in undue hardship and advise and provide assistance, as necessary, on other related matters.

On-site vendors, suppliers, contractors, volunteers

The employer will take the steps required for staff of any current vendors, suppliers, contractors or volunteers who regularly work alongside Provincial Government employees during normal business hours to follow the same vaccination or testing/masking requirements that apply to employees.

As of December 17, 2021, new vendors, suppliers, contractors and volunteers are expected to adhere to the same vaccination or testing/masking requirements that apply to employees.

Privacy Considerations

All proof of vaccination, requests for exemption, requests for accommodation, supporting documents and proof of COVID-19 test results will be collected, used, and stored in accordance with the employer's obligations pursuant to the **Access to Information and Protection of Privacy Act, 2015**.

Departments will maintain a current list of all employees who have shown proof of vaccination. Managers must ensure they receive regularly updated lists of their employees who have provided proof of vaccination.

Policy Adherence

Contravention of this Policy, given consideration to circumstances, will result in action being taken by the employer and may include absence from work without pay.

Monitoring

This policy will be reviewed as required, but not less than every six months.

Related Statutes Policies, Procedures and Programs

[Access to Information and Protection of Privacy Act, 2015](#) 

[Canadian Charter of Rights and Freedoms](#) 

[Discipline Policy](#)

[Employee Assistance Program](#)

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[Occupational Health and Safety Act](#) 

[Respectful Workplace Program](#)



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Honourable Siobhan Coady

Mandate Letter 

Minister's Office

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